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DEC 30 2003

Application No.: 09/875,871**Applicants: Dwip N. Banerjee and Rabindranath Dutta****Filed: Jun 7, 2001****Title: Using a Communications Network in Arranging Shipment of Goods According to a Buyer's Preferences****T.C./A.U.: 3644****Examiner: Stephen A. Holzen****Docket No.: AUS9-2001-0346-US1****RECEIVED**

JAN 06 2004

GROUP 3600**Commissioner for Patents
PO Box 1450
Alexandria VA 22313-1450****DECLARATION UNDER 37 CFR 1.131****Sir:****We, Dwip N. Banerjee, Ph.D., and Rabindranath Dutta, Ph.D., hereby declare that:**

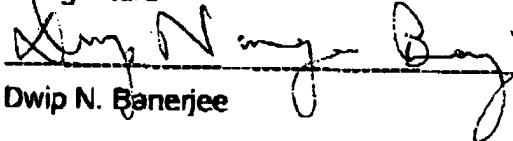
1. We are the co-inventors of the above-mentioned patent application.
2. Prior to October 31, 2000, we conceived the idea of using a communications network in arranging shipment of goods according to a buyer's preferences, as described and claimed in our patent application. An invention disclosure (No. AUS8-2000-1441, copy attached hereto as Exhibit A1) was created by Dr. Dutta, and provided to IBM on or about October 31, 2000. This invention disclosure included diagrams of embodiments of the invention, substantially as illustrated in FIG. 2 and FIG. 4 of our patent application.
3. IBM's invention disclosure team for this invention, of which Dr. Dutta was a member, completed its evaluation of this invention on March 8, 2001. On that date, the team decided to go ahead with a search for prior art, in preparation for filing a patent application on this invention. IBM submitted the request for the search on March 9, 2001, and received the results of the search on April 4, 2001. On April 6, 2001, IBM decided to file a patent application on this invention. These actions were documented on pages 5 and 6 of the archived invention disclosure (No. AUS8-2000-1441, copy attached hereto as Exhibit A2).

Application No.: 09/875,871
Declaration Under 37 CFR 1.131

4. Paul D. Heydon, Patent Attorney, acknowledged receipt of our invention disclosure in an email message (copy attached hereto as Exhibit B) addressed to both of us on April 16, 2001.
5. Dr. Banerjee met with Mr. Heydon at IBM's office complex in Austin, Texas on April 19, 2001, and discussed preparation of our patent application.
6. Dr. Banerjee communicated to Mr. Heydon comments about drafts of our patent application, in May, 2001, including an email message (copy attached hereto as Exhibit C) on May 16, 2001, and telephone conversations on May 7 and 17, 2001.
7. We both signed the Declaration and Power of Attorney for Patent Application, and the Assignment (copy attached hereto as Exhibit D), on May 31, 2001.
8. The acts described in this Declaration were carried out in the United States.

We hereby declare that all statements made herein of our own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under 18 U.S.C. 1001 and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Signature



Dwip N. Banerjee

Date

12 / 19 / 03

Rabindranath Dutta

Dec 19 03 01:44P

KTWhit head PHeydon

2108041298

P.2

Application No.: 09/875,871**Applicants: Dwip N. Banerjee and Rabindranath Dutta****Filed: June 7, 2001****Title: Using a Communications Network in Arranging Shipment of Goods****According to a Buyer's Preferences****T.C./A.U.: 3644****Examiner: Stephen A. Holzen****Docket No.: AUS9-2001-0346-US1****Commissioner for Patents****PO Box 1450****Alexandria VA 22313-1450****DECLARATION UNDER 37 CFR 1.131**

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Dec 19 03 01:44p

KTWhitehead PHeyd n

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P.3

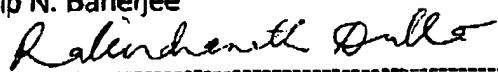
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Signature

Date

Dwip N. Banerjee

Rabindranath Dutta

12/19/2003



Disclosure AUS8-2000-1441

Created By: Rabindranath Dutta Created On: 10/13/2000 04:31:27 PM
Last Modified By: Rabindranath Dutta Last Modified On: 10/31/2000 07:25:57 AM

*** IBM Confidential ***

Required fields are marked with the asterisk (*) and must be filled in to complete the form .

Summary

Status	Under Evaluation
Processing Location	AUS
Functional Area	58 - TIVOLI (David Murphy)
Attorney/Patent Professional	Jeff LaBaw/Austin/IBM
IDT Team	John Sweitzer/Tivoli Systems; Sebastian Hassinger/Tivoli Systems; Nicole Harbour/Tivoli Systems
Submitted Date	10/30/2000 04:31:08 PM
Owning Division <input type="button" value="Select"/>	TIV
PVT Score <input type="button" value="Calculate"/>	To calculate a PVT score, use the 'Calculate PVT' button.
Incentive Program	BMT
Lab	
Technology Code	

Inventors with Lotus Notes IDs

Inventors: Dwip N Banerjee/Austin/IBM, Rabindranath Dutta/Tivoli Systems

Inventor Name > denotes primary contact	Inventor Serial	Div/Dept	Manager Serial	Manager Name
Banerjee, Dwip.N. Dutta, Rabindranath	1A7337 978208	7T/D58S 46/LYKS	611662 388393	Haug, J.A. (Jessie) Zhang, R.P. (Randy)

Inventors without Lotus Notes IDs

IDT Selection

IDT Team: John Sweitzer/Tivoli Systems Sebastian Hassinger/Tivoli Systems Nicole Harbour/Tivoli Systems	Attorney/Patent Professional: Jeff LaBaw/Austin/IBM
--	--

Response Due to IP&L : 11/30/2000

Main Idea

*Title of disclosure (in English)

Business Method for Automatic Integration of Shipping and Handling into E-commerce in the B2B domain.

*Idea of disclosure

1. Describe your invention, stating the problem solved (if appropriate), and indicating the advantages of using the invention.

Submitted for the business method patent incentive

Reviewers should note that "patents on business methods are especially valuable in the marketplace today because they give companies exclusive rights to practice new ways of doing business" (from IBM announcement). Business methods spanning all industries are patentable subject matter and was reaffirmed recently by US. Court of Appeals for the Federal Circuit, in State Street Bank & Trust Co. v. Signature Financial Group Inc., 149 F.3d 1368 (Fed. Cir. 1998). US Class 705/001 has hundreds of business method patents and submissions for business method patents have exploded industrywide. It is because of the scarcity of such business methods in the IBM portfolio that the special incentive award has been instituted. The 450 special awards to be provided in this scheme indicates the importance of business methods to IBM.

Note that the invention is exclusively for the B2B domain.

RELATED ART

Currently e-commerce transactions typically involve the cost for the physical shipment method being calculated by the seller's Web server in both Business to Business (B2B) and Business to Consumer domains. This is often a cause of customer complaint and annoyance because it makes price comparisons between products from different sellers extremely difficult since in e-commerce transactions shipment cost is often a significant part of the cost paid by the buyer. Price comparisons are often almost meaningless without the shipping charges. In particular with the explosion of B2B transactions shipping costs have become very important. The following picture shows a B2B marketplace for Verticalnet.

Wireless Networks Online: Digital Marketplace for the wireless communications industry - Microsoft Internet Explorer

Search Bookmarks My Yahoo! Finance Y! Mail

Links Low Arco Home Online Tour (2) Online Tour (2) 1465.homepage.com 1465.ADS @www.ezboard.com

Address http://www.wirelessnetworksonline.com/content/homepage/default.asp?NETCOOKIE=NO

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Monday, October 30, 2000

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Find

Used Equipment

♦ Product Center

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Buyer's Guide | Product Showcase | Request for Quote | Request for Proposal | Vert SolutionZone

Marketplace

Books, Software, Videos & Research | Online Catalogs | Used Equipment

Suppliers

E-Commerce Centers | Business Services Center | Storefronts

♦ Online Catalogs

Peregrine Control Technologies, Inc. We design and manufacture easy to use "plug & play" paging products that can remotely control virtually any electrical device from any location. Shop our online catalog for more information!

♦ Deal of The Day

Data Communications Series by MindQ

"Data Communications for Sales Professionals provides exactly the information your sales force needs to communicate effectively with customers. Every course contains initial assessments which identify areas for study and produce... Our price: \$400.00!"

♦ Editor's Choice

NIB Autonomous (Nemo Technologies): NIB Autonomous supports the migration from 2G through 2.5G into 3G... by

FREE Web hosting!

Is it really broken?

♦ Professional Center

Career Center

Job Search | Recruiter Center NEW! | Employer Spotlight

Training

Resources

Web Resource Center NEW! | Download Library | Discussion Forums | Associations | Events Calendar

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The following picture illustrates a situation where a searching service is utilized to find the prices of PalmPilot III, say on an B2B marketplace and the results sorted by price shows the magnitude of the problem. It can be seen that virtually none of the sites indicate their shipping costs. It is by offering a low price for the merchandise but increasing the shipping cost that e-commerce sellers often attract customers to visit their site. In fact some sites actually use robotic agents to quote the minimum price and make up for it via other costs or delays in product delivery. If a corporation wanted to order a thousand Palms for its employees and were searching for price it would cause immense problems.

Palm III Connected Organizer Palmpilot 80300U 3COM US ROBOTICS 3COMPALM3 USE INT S...

File Edit View Go Communicator Help

Back Forward Reload Home Search Netscape Print Security Stop

Bookmarks Location ://www.shopper.com/cgi-bin/nph-sort2?a0=209337&a1=4 What's Related

CNET | News | Hardware | Downloads | Special Reports | Games | Software | Lowest Prices Free Email

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Palm III Connected Organizer Palmpilot

Similar Products: Handhelds: Systems

Manufacturer: 3COM / US ROBOTICS **Mfr Part#:** 80300U **Lowest Price:** \$164.95

Sort By Sponsor

	Merchant	Price	State	Phone	Approx. Shipping	In Stock	Last Updated	S
1	Buy Info ClubComputer.com <small>JOIN TO SAVE! More company info</small>	\$164.95 Member price	VA	800.449.1776	FREE	See site	8-4-99	
2	Buy Info Shopping.com <small>CNET Certified Merchant More company info</small>	\$179.00	CA	888.568.3274	See Site	Yes	8-26-99	
3	Buy Info egghead.com <small>CNET Certified Merchant More company info</small>	\$179.94	**	800.344.4323	See Site	Yes	8-26-99	
4	Buy Info Onsale <small>CNET Certified Merchant More company info</small>	\$179.95	CA	888.264.1524	See Site	See site	8-26-99	
5	Buy Info NationPC.com <small>More company info</small>	\$190.00	NY	212.293.7927	See Site	Yes	8-26-99	
6	Buy Info pcWonders.com <small>CNET Certified Merchant More company info</small>	\$199.95	NJ	800.753.9363	See Site	Yes	8-26-99	

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The following Website contains an interesting article on how shippers are working with etailers to promote

customer convenience in product returns:

http://www.ec.ups.com/eCommerce/whatsnew/online_returns.html

UPS's example shows how important the shipper is for e-commerce. In fact, FedEx is even getting into the business of advising Fortune 500 corporations of efficient delivery of supplies and supply management. Dell often ships monitors and computers from different plants but they are aggregated by the shipper and delivered to the business site together.

SUMMARY OF THE INVENTION

A method that completes an e-commerce transaction in two phases:

1. Buying an item at the advertised price from a merchant from one Web Server
2. Paying for shipment of the item via a buyer determined physical carrier of merchandise **in a B2B situation (while the method can be extended to B2C it might be cost prohibitive in that domain).**

The method integrates the two into an e-commerce system. In many corporations there are preferred shippers e.g. IBM has Airborne express for delivering small packages and letters. What we are suggesting is a preferred shipper for receiving.

PREFERRED EMBODIMENT

Figure 2 shows an overview of the system where the Web client of a business can connect over the Internet to the Seller's Web server and also to the preferred shipper's Web Server.

Figure 2: Overview of the system

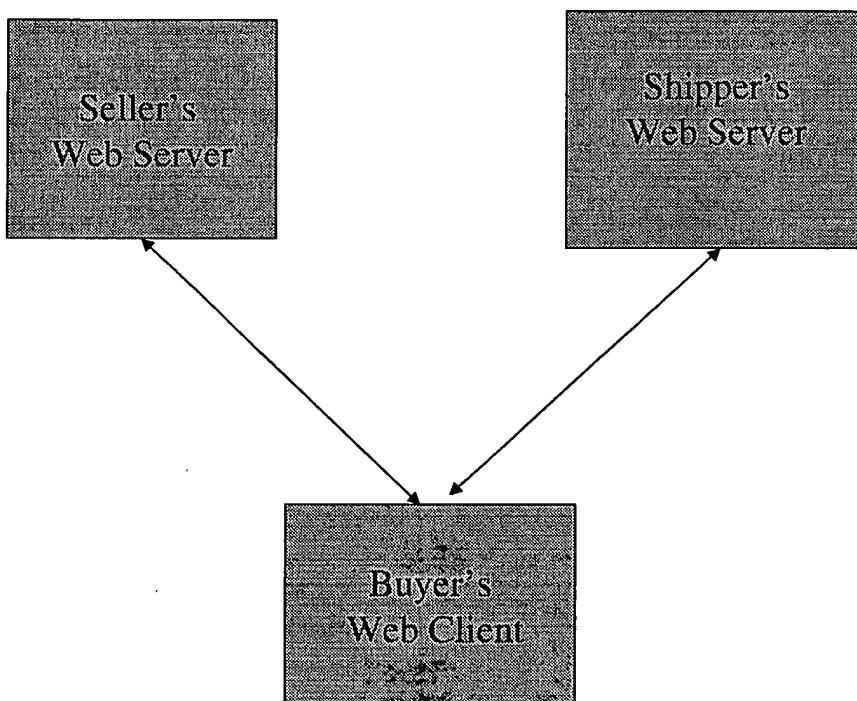
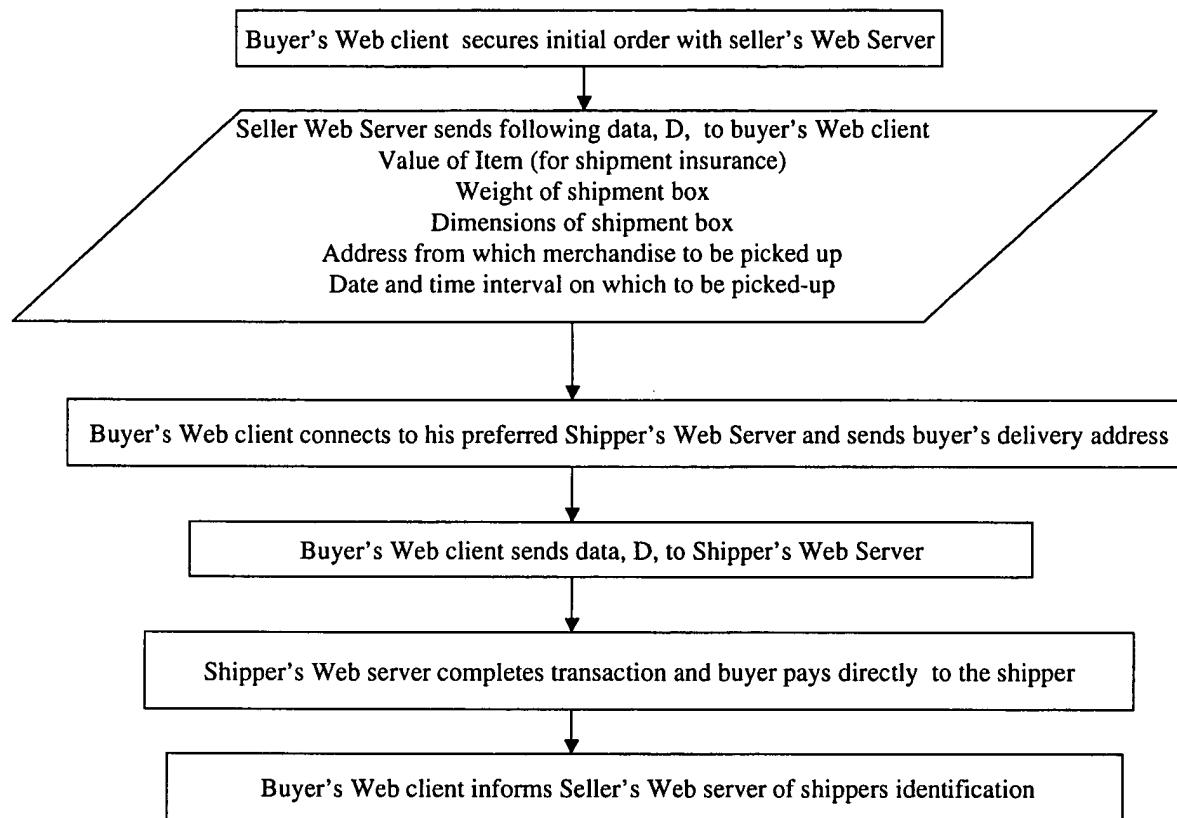


Figure 3 describes in a flowchart the sequence of transactions for an illustrative sale.

Figure 3: Flowchart of System



All kinds of variations to the embodiment like a seller leading the buyer to independent carriers from within his Web site should also be covered by the invention.

The scheme can be easily scaled to the business-to-business space where it can lend efficiency to enterprise resource management and supply chain management. Consider an example of a corporation like IBM that is buying a lot of materials from its suppliers like Xerox, Solectron etc. using UPS as interface for shipping and handling. When the procurement department or an individual department orders material they can enter their UPS code and the shipping and handling costs are automatically calculated (based on the existing rates between IBM and UPS in this case) and UPS charges IBM directly. At the same time UPS server is informed about the new procurement that needs to be shipped to IBM and it is given a tracking code (which UPS uses in its dealing with Xerox/Solectron for this particular IBM order).

It is clear that the enterprise resource management as well as the inventory is streamlined. It introduces automation and efficiency in the supply chain management for corporate entities as well.

CLAIMS

Method to enhance e-commerce transactions in a B2B situation comprising the following steps:

buying from a seller's Web Server;

paying for shipment costs to a shipper's Web Server; and

shipping of items to destination through independent and direct interactions between buyer, seller and shipper using a tracking code that is shared between the three.

Dependent claim: Extension of the said method to business-to-business space involving corporations (procurers, suppliers and shippers) to promote automation and improve efficiency in enterprise resource planning and supply chain management.

Note that the invention is exclusively for the B2B domain as it is unlikely to be viable in the B2C domain - although we guess claims could encompass both.

2. How does the invention solve the problem or achieve an advantage,(a description of "the invention", including figures inline as appropriate)?

3. If the same advantage or problem has been identified by others (inside/outside IBM), how have those others solved it and does your solution differ and why is it better?

4. If the invention is implemented in a product or prototype, include technical details, purpose, disclosure details to others and the date of that implementation.

***Critical Questions (Questions 1 - 7 must be answered)**

***Question 1**

On what date was the invention workable? 10/13/2000 Please format the date as MM/DD/YYYY
(Workable means i.e. when you know that your design will solve the problem)

***Question 2**

Is there any planned or actual publication or disclosure of your invention to anyone outside IBM?

Yes

No

If yes, Enter the name of each publication or patent and the date published below.

Publication/Patent:

Date Published or Issued:

Are you aware of any publications, products or patents that relate to this invention?

Yes

No

If yes, Enter the name of each publication or patent and the date published below.

Publication/Patent:

Date Published or Issued:

***Question 3**

Has the subject matter of the invention or a product incorporating the invention been sold, used internally in manufacturing, announced for sale, or included in a proposal?

Yes
 No

Is a sale, use in manufacturing, product announcement, or proposal planned?

Yes
 No

If Yes, identify the product if known and indicate the date or planned date of sale, announcements, or proposal and to whom the sale, announcement or proposal has been or will be made.

Product:

Version/Release:

Code Name:

Date:

To Whom:

If more than one, use cut and paste and append as necessary in the field provided.

***Question 4**

Was the subject matter of your invention or a product incorporating your invention used in public, e.g., outside IBM or in the presence of non-IBMer?

Yes
 No

If yes, give a date. Please format the date as MM/DD/YYYY

***Question 5**

Have you ever discussed your invention with others not employed at IBM?

Yes
 No

If yes, identify individuals and date discussed. Fill in the text area with the following information, the names of the individuals, the employer, date discussed, under CDA, and CDA #.

***Question 6**

Was the invention, in any way, started or developed under a government contract or project?

Yes
 No
 Not sure

If Yes, enter the contract number

***Question 7**

Was the invention made in the course of any alliance, joint development or other contract activities?

Yes
 No
 Not Sure

If Yes, enter the following :Name of Alliance, Contractor or Joint Developer

Contract ID number

Relationship contact name

Relationship contact E-mail

Relationship contact phone

Question 8

Have you submitted, or are you aware of, any related disclosure submission?

Yes
 No

If Yes, please provide the title and docket or disclosure number below:

AUS8-1999-1011 which related to the B to C (business to consumer) domain was submitted by one of the inventors and closed without a patentability search being conducted as it was felt that this was difficult to implement for individual buyers. The current invention is for the B to B domain which is commercially very lucrative and has seen an explosion of growth in recent days.

Question 9

What type of companies do you expect to compete with inventions of this type? Check all that apply.

- Manufacturers of enterprise servers
- Manufacturers of entry servers
- Manufacturers of workstations
- Manufacturers of PC's
- Non-computer manufacturers
- Developers of operating systems
- Developers of networking software
- Developers of application software
- Integrated solution providers
- Service providers
- Other (Please specify below)

large corporations with lots of shipping and commerce; UPS, Fedex, Postal service etc.

Patent Value Tool (Optional - this may be used by the inventor and attorney to assist with the evaluation of your invention.)

(The Patent Value tool can be used by you or the evaluation team to determine the potential licensing value of your invention.)

The Patent Value Tool has not yet been used to calculate a score.

Post Disclosure Text & Drawings

Enter any additional information relating to this disclosure below:

(Form Revised 12/17/97)

**Disclosure AUS8-2000-1441**

Prepared for and/or by an IBM Attorney - IBM Confidential

Created By Rabindranath Dutta On 10/13/2000 05:31:27 PM EDT
Last Modified By Enterprise Agentmgr On 07/13/2002 10:05:14 PM EDT
Archived on 07/13/2002

Required fields are marked with the asterisk (*) and must be filled in to complete the form.

*** Title of disclosure (in English)**

Business Method for Automatic Integration of Shipping and Handling into E-commerce in the B2B domain.

Summary

Status	Final Decision (File)
Final deadline	
Final deadline reason	
Docket family	AUS9-2001-0346
* Processing location	Austin
* Functional area	(58) 58 - TIVOLI (David Murphy)
Attorney/Patent professional	Leslie Van Leeuwen/Austin/IBM
IDT team	John Sweitzer/Tivoli Systems Sebastian Hassinger/Tivoli Systems Rabindranath Dutta/Tivoli Systems
Submitted date	10/30/2000 05:31:08 PM EST
* Owning division	TIV
Incentive program	INC9
Lab	
* Technology code	

Inventors with a Blue Pages entry

Inventors: Dwip N Banerjee/Austin/IBM, Rabindranath Dutta/Tivoli Systems

Inventor Name	Inventor Serial	Inventor Div/Dept	Phone	Manager Name
Banerjee, Dwip N.	1A7337	7T/D68S	N/A	Haug, J.A. (Jessie)
Dutta, Rabindranath	978208	46/LYKS	N/A	Zhang, R.P. (Randy)

> denotes primary contact

Inventors without a Blue Pages entry**IDT Selection**

Attorney/Patent professional Leslie Van Leeuwen/Austin/IBM

IDT team J hn Sweitzer/Tivoli Systems
 Sebastian Hassinger/Tivoli Systems
 Rabindranath Dutta/Tivoli Systems
Response due t. IP&L 11/30/2000

Main Idea

To view the Main Idea of this disclosure, open the "Main Idea" document from the view

***Critical Questions (Questions 1-9 must be answered in English)**

***Question 1**

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(Workable means i.e. when you know that your design will solve the problem)

***Question 2**

Is there any planned or actual publication or disclosure of your invention to Yes
 No anyone outside IBM?

If yes, Enter the name of each publication or patent and the date published below.

Publication/Patent:

Date Published or Issued:

Are you aware of any publications, products or patents that relate to this Yes
 No invention?

If yes, Enter the name of each publication or patent and the date published below.

Publication/Patent:

Date Published or Issued:

***Question 3**

Has the subject matter of the invention or a product incorporating the Yes
 No invention been sold, used internally in manufacturing, announced for sale, or included in a proposal?

Is a sale, use in manufacturing, product announcement, or proposal Yes
 No planned?

If Yes, identify the product if known and indicate the date or planned date of sale, announcements, or proposal and to whom the sale, announcement or proposal has been or will be made.

Product:

Version/Release:

Code Name:

Date:

To Whom:

If more than one, use cut and paste and append as necessary in the field provided.

***Question 4**

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 No invention used in public, e.g., outside IBM or in the presence of non-IBMer?

If yes, give a date. Please format the date as MM/DD/YYYY

***Question 5**

Have you ever discussed your invention with others not employed at IBM? Yes No
If yes, identify individuals and date discussed. Fill in the text area with the following information, the names of the individuals, the employer, date discussed, under CDA, and CDA #.

*Question 6 Was the invention, in any way, started or developed under a government contract or project? Yes No Not sure

If Yes, enter the contract number

*Question 7 Was the invention made in the course of any alliance, joint development or other contract activities? Yes No Not Sure

If Yes, enter the following:

Name of Alliance, Contractor or Joint Developer

Contract ID number

Relationship contact name

Relationship contact E-mail

Relationship contact phone

*Question 8 Have you, or any of the other inventors, submitted this same invention disclosure or similar invention disclosure previously? Yes No

If Yes, please provide disclosure number below:
AUS8-1999-1011 which related to the B to C (business to consumer) domain was submitted by one of the inventors and closed without a patentability search being conducted as it was felt that this was difficult to implement for individual buyers. The current invention is for the B to B domain which is commercially very lucrative and has seen an explosion of growth in recent days.

*Question 9 Are you, or any of the other inventors, aware of any related inventions disclosures submitted by anyone in IBM previously? Yes No

If Yes, please provide the docket or disclosure number or any other identifying information below:

Question 10 What type of companies do you expect to compete with inventions of this type? Check all that apply.

- Manufacturers of enterprise servers
- Manufacturers of entry servers
- Manufacturers of workstations
- Manufacturers of PC's
- Non-computer manufacturers
- Developers of operating systems
- Developers of networking software
- Developers of application software
- Integrated solution providers
- Service providers
- Other (Please specify below)

Large corporations with lots of shipping and commerce; UPS, Fedex, Postal service etc.

Question 11:

If the invention relates to a product or service that is outside the scope of your business unit, please recommend IBM business unit(s), IBM location(s) or individual(s) within IBM that you think would provide a good evaluation of your invention:

***Patent Value Tool (Optional - this may be used by the inventor and attorney to assist with the eval**

(The Patent Value tool can be used by the inventor(s) to determine the potential licensing value of your invention.)

Market

***Question 1: What is the anticipated annual market size (in dollars) that will be captured by your invention?**

Reason(s) for above Answer:

Claims

***Question 1: How new is the technical field?**

Reason(s) for above Answer:

***Question 2: How central is the invention to the product(s) which might be expected to contain the invention?**

Reason(s) for above Answer:

***Question 3: What is the scope of the claim?**

Reason(s) for above Answer:

Portfolio Need

***Question 1: What are the portfolio needs in the area of your invention?**

Reason(s) for above Answer:

Exploitation & Enforcement

***Question 1: How easily can the use of the invention by a competitor be detected?**

Reason(s) for above Answer:

***Question 2: How easily can the use of the invention be avoided by a competitor?**

Reason(s) for above Answer:

Business Value

***Question 1: What percentage of the companies producing products in the field of this invention might use this invention?**

Reason(s) for above Answer:

***Question 2: What is the value of this patent to current or anticipated Alliance Activity between IBM and other companies?**

Reason(s) for above Answer:

***Question 3: What is the value of this patent to current or anticipated Technology Transfer Activity between IBM and other companies?**

Reason(s) for above Answer:

***Question 4: Does it result in prestige to IBM?**

Reason(s) for above Answer:

Evaluation

This team evaluation was entered by Nancy Werchan/Austin/IBM on 03/08/2001

What is the team's evaluation of this disclosure? Search

Date evaluated : 03/08/2001

Evaluation comments

Final Evaluation History	Who made the final evaluation	Final evaluation date
Search	Nancy Werchan/Austin/IBM	3/8/01

Search Information

Date sent: 03/09/2001	*Target completion date: 03/30/2001	Search results received date: 04/04/2001
Who was the search sent to (This area is to designate a Local Searcher name or WAIPL):		
*Search type: <input checked="" type="checkbox"/> Patentability <input type="checkbox"/> Clearance <input type="checkbox"/> Validity <input type="checkbox"/> State of Art		
*Features to be searched: In this invention, a buyer purchases something from an e-commerce web site, and then contracts separately for shipping services. Rather than selecting one of the seller's shipping methods and paying the seller, the buyer contracts with any shipper he chooses and pays the shipper directly.		

Search Office Information

Target completion date: 03/30/2001	<input type="checkbox"/> Search has been delayed	Ship/Return date: 04/03/2001
Search conducted by Wiens		
Comments		

Final Decision

This decision was entered by Barbara Rogers/Austin/IBM on 04/06/2001

Decision: File **Status: N/A**

PPM area:

Date of final decision : 04/06/2001

Additional filing information

Planned Filing date: 05/18/2001

Filing comments:

Additional decision comments

Final Decision History

Entered on 6-Apr-2001 by Barbara Rogers

File N/A 6-Apr-2001 Docket Family: AUS920010346

Post Disclosure Text & Drawings

To add additional information related to this disclosure once it has been submitted, click the action button below and a new document will be opened for you to enter the new information. To view existing post disclosure information, double-click on the item in the list below (if there has been additional information entered), and the document will open for you to view.

Date entered **Post disclosure comments and drawings (double-click an item below to view)**

Form Revised 09/01/02

Subject: Re: E-commerce patent applications

Date: Mon, 16 Apr 2001 13:53:20 -0400

From: "Rabindranath Dutta" <dutta@us.ibm.com>

To: "Paul D. Heydon" <pheydon@stic.net>

CC: "Dwip N Banerjee" <dnbanerg@us.ibm.com>

Paul,

It was a pleasure working with you last month on the two patent applications. Dr. Dwip Banerjee my co-inventor will handle these applications with you and set up a meeting with you in Austin in the IBM Complex (the high rise buildings across the street from Leslie's office). Dwip is very accessible and prompt in returning messages and phone calls and is outstanding in explaining different aspects of the invention verbally to outside counsel. So you should have no difficulty with the inventions.

Dwip will contact you shortly to set up the time.

- Rabi

Dr. Rabi Dutta

Phone: (512) 436-9744

"Paul D. Heydon" <pheydon@stic.net>@e33.esmtp.ibm.com on 04/16/2001
12:16:15 PM

Sent by: paul@e33.esmtp.ibm.com

To: Rabindranath Dutta/Austin/IBM@IBMUS, Dwip N Banerjee/Austin/IBM@IBMUS
cc:

Subject: E-commerce patent applications

Leslie Van Leeuwen has retained me to write patent applications for two inventions:

Disclosure No. AUS8-2000-1441, Docket No. AUS9-2001-0346-US1
[Integration of shipping]

Disclosure No. AUS8-2000-1645, Docket No. AUS9-2001-0347-US1 [Bundled coupons]

I would be happy to meet with one or both of you in Austin to discuss these. We might also discuss some patents that Leslie found regarding shipping and e-commerce. Please let me know where you would prefer to meet, and some suggested times. [I would prefer not to meet early in the morning, or late in the afternoon, so that I can get in and out of Austin without encountering the worst of the traffic.] Thank you.

Best regards,

Paul D. Heydon

Patent Attorney

6102 Broadway, Suite B2

San Antonio, TX 78209

210-930-4300

Subject: Re: Patent applications

Date: Wed, 16 May 2001 16:31:55 -0500 (CDT)

From: dwip@austin.ibm.com

To: pheydon@stic.net (Paul D. Heydon)

Paul,

I just retrieved your faxed writeup. we had some stuff going on today (i just came to work), so I'll take a look overnight and have my comments ready for you tomorrow. I'll call you or email you with the comments. And the XML bit sounds fine. Feel free to put it in. thanks,

Dwip

>
> I am writing to confirm that you received the draft of the complete
> application, regarding shipping services, that I faxed to you yesterday.
>
> I also have found some material that might be useful as added
> implementation detail for one or both of the e-commerce patent
> applications. I would propose adding the following paragraph to page 5
> of the application that I faxed to you yesterday:
>
> XML provides a way of containing and managing information that is
> designed to handle data exchange among various data systems. Thus
> it is well-suited to implementation of the present invention.
> Reference is made to the book by Elliotte Rusty Harold and W.
> Scott Means, *XML in a Nutshell* (O'Reilly & Associates, 2001). As
> a general rule XML messages use "attributes" to contain
> information about data, and "elements" to contain the actual
> data. Reference is made to a white paper by Transentric
> Corporation, *TranXML [TM] : The Common Vocabulary for*
> *Transportation Data Exchange* (2001), available at
> www.transentric.com. The paper describes *TranXML [TM]*, a markup
> language developed for data exchange in the transportation
> industry. The data format is readable by both humans and
> machines. These XML structures are open source software, freely
> available under a General Public License, and they include XML
> structures for messages relating to tracing shipped goods (e.g. a
> Shipment Status Message).
>
> Best regards,
> Paul
>
>

EXHIBIT C

ASSIGNMENT

Whereas, we,

(1) Dwip N. Banerjee of 3607 Greystone Drive, #823, Austin,
County of Travis and State of Texas

and

(2) Rabindranath Dutta of 3401 Parmer Lane West, #835, Austin,
County of Travis and State of Texas

have invented Using a Communications Network in Arranging Shipment of Goods According to a Buyer's Preferences

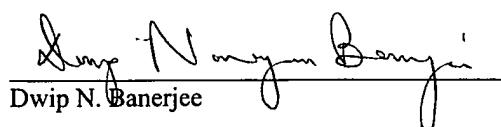
and executed a United States patent application therefore on

(*Date Inventor Signed Declaration*) (1) 05/31, 2001; and (2) 05/31, 2001.

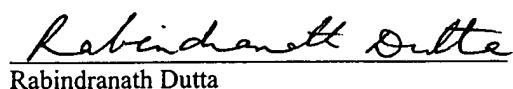
Whereas, INTERNATIONAL BUSINESS MACHINES CORPORATION, a corporation of New York, having a place of business in Armonk, New York 10504, (hereinafter called IBM), desires to acquire the entire right, title and interest in the said application and invention, and to any United States and foreign patents to be obtained therefore;

Now therefore, for a valuable consideration, receipt whereof is hereby acknowledged, I, the above named, hereby sell, assign, and transfer to IBM, its successors and assigns, the entire right, title and interest in the said application and invention therein disclosed for the United States and foreign countries, and all rights of priority resulting from the filing of the said United States application, and I request the Commissioner of Patents to issue any Letters Patent granted upon the invention set forth in said application to IBM, its successors and assigns; and I hereby agree that IBM may apply for foreign Letters Patent on said invention and I will execute all papers necessary in connection with the United States and foreign applications when called upon to do so by IBM.

Signed at AUSTIN on 05/31, 2001.


Dwip N. Banerjee

Signed at AUSTIN on 05/31, 2001.


Rabindranath Dutta